

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ATLANTIC CAPES FISHERIES, INC.)	
Plaintiff,)	
)	
v.)	C.A. No. 14-14701-DPW
)	
40 CLAM CAGES, MORE OR LESS, <i>in rem</i> ,)	
F/V Maude Platt, Inc. as owner of the)	
M/V SEAFOX)	
TM Terra Fisheries, Inc. as owner of the)	
F/V MISS MAEGAN,)	
F/V (John Doe) and)	
NANTUCKET SOUND SEAFOOD, LLC)	
Defendants.)	

AFFIDAVIT REGARDING OWNERSHIP OF CLAM CAGES

1. I, John Miller, am the Sr VP Operations of Sea Watch International, LTD ("SWI") and make this affidavit with regard to SWI clam cages in the possession of Nantucket Sound Seafood, LLC.
2. SWI is the owner of many National Marine Fisheries Service standard sized federal surf clam cages, used to engage in the federal surf clam fishery. Our cages bear various marks, including our initial "SWI". We are also the sole owner of clam cages from specific other companies that we have acquired and we are the sole owner of said cages. We are the sole owner of all of the clam cages marked:
 - a. BSC Blount Seafood Corporation (acquired by Sea Watch International)
 - b. BF Blount Foods (acquired by Sea Watch International)
 - c. ESS Eastern Shore Seafood (acquired by Sea Watch International)
 - d. LET Leroy Truex (Sea Watch International)
 - e. CM Carol Merna (Sea Watch International)

f. SWI Seawatch International

g. Orange Painted Cage (ownership Seawatch International)

3. SWI on a continuing basis invests in new cages since cages wear out, rust out, or are lost. Because all clam cages for the most part look identical, when we and other clam plants order new cages from the manufacturers of the clam cages we have the cages marked / branded with an identifying marking to identify ownership. SWI does not and has not sold used clam cages to third parties. SWI has acquired a series of clam companies and in the purchase of all of their assets, acquired all of their clam cages. For the most part SWI Clam Cage Exchange System is a closed loop between the vessels selling their harvests to SWI (who for the most part work for SWI exclusively), truckers hauling the full and empty cages for SWI back and forth to our shucking plants, and at the SWI plants. Occasionally without our permission our cages are used by vessels selling to other plants. When we can identify and locate any lost cages, we retrieve them and return our lost cages to our associated vessels for their use. Our practice, upon request, is also to return to other clam plants their cages, which are properly marked by the original manufacturer, but which may have inadvertently been returned to SWI in error.
4. Atlantic Capes Fisheries, Inc. ("ACF") shucks surf clams on behalf of SWI at its Bristol, RI surf clam plant. We have authorized ACF to recover all clam cages belonging to SWI that have come into the possession of NSS either from the FV SEAFOX when it stopped fishing for ACF or came into the possession of NSS by any other means. Any cages bearing our markings and brands are the property of SWI and NSS does not have our permission to use them.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS DAY OF JANUARY,
2015.

John Miller



I Patti Lyn Brohawn, a
notary public, certify that this
or the attached copy of the legal doc
dated 1-13-15; is an accurate,
correct and complete copy of the
original document presented to me
by John Miller on 1-13-15
In witness whereof, I hereunto
set my hand and official seal.

Patti Lyn Brohawn